

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTINE SECILIA,

CIVIL DIVISION

PLAINTIFF,

No.: 08-0208

V.

JURY TRIAL DEMANDED

BOROUGH OF MT. OLIVER,
PENNSYLVANIA,

DEFENDANT. **ELECTRONICALLY FILED**

**REPLY TO PLAINTIFF'S MOTION
TO STRIKE OFFER OF JUDGMENT**

AND NOW, comes the Defendant, Borough of Mt. Oliver, Pennsylvania, by and through its attorneys, MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN, P.C. and PATRICIA A. MONAHAN, ESQUIRE and presents the within Reply to Plaintiff's Motion to Strike Offer of Judgment:

1. Admitted.
2. Admitted.
3. Admitted. By way of further answer, as the Court is aware, Plaintiff's counsel recently accepted an offer of judgment that the undersigned defense counsel made in another case, Lining v. Temporary Personnel Services, Inc., et al, No. 07-1724. Plaintiff's counsel never contacted defense counsel to inquire about whether Defendant would agree to revise the Rule 68

Offer in this case. Plaintiff's Motion to Strike Offer of Judgment citing several treatises and case law from other circuits was the Defendant's first notice that the Plaintiff had any complaint about the terms of the Rule 68 offer. Plaintiff's Motion to Strike Offer of Judgment is now moot as Defendant has sent another Rule 68 Offer to Plaintiff's counsel removing the contingencies of which Plaintiff complains.

4. See Paragraph 3 above. This issue is now moot.

5-15. Paragraphs 5-15 of Plaintiff's Motion to Strike Offer of Judgment state conclusions of law to which no response is required. By way of further answer, Plaintiff's argument is now moot since the Defendant has sent a revised Offer of Judgment to Plaintiff's counsel removing the confidentiality contingency and the language concerning "other claims."

DATED: June 24, 2008

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.**

By: s/ Patricia A. Monahan
Patricia A. Monahan, Esquire
Attorney for Defendant

PA I.D. #58784
US Steel Tower, Suite 2900
600 Grant Street
Pittsburgh, PA 15219
412-803-1151
412-803-1188
pamonahan@mdwcg.com